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The following summarizes criminal justice reform legislation that was signed into law during the 2009, 2010 and 2011 legislative sessions in Colorado. It is not an exhaustive list and does not include legislation that was introduced but not passed by the Legislature. More detailed legislative information is available at [www.leg.state.co.us](http://www.leg.state.co.us) and CCJRC has more detailed legislative summaries for 2010 and 2011 on our website at [www.ccjrc.org](http://www.ccjrc.org). Each bill summary includes a link to the enacting legislation and is organized by topic not year.

The Colorado General Assembly consists of 65 members of the House of Representatives and 35 Senators. The session lasts 120 days and begins annually on the 2<sup>nd</sup> Tuesday in January. In the 2009 and 2010 legislative sessions, Democrats held a majority in the House and Senate and the Governor was a Democrat. In the 2011 legislative session, Republicans held the majority in the House, Democrats held the majority in the Senate and the newly elected Governor was a Democrat.

## **Summary of Criminal Justice Reform Legislation Passed in Colorado Legislature (2009, 2010 and 2011 sessions)**

### Sentencing Reform

#### **HB 09-1122: Concerning Increasing the Age of Persons Eligible for Sentencing to the Youthful Offender System**

*Sponsors:* Representative Roberts (R) and Senator Morse (D)

*Status:* Passed the House (58-5) and the Senate (34-1) and signed into law 4/2/09.

*Description:* HB 1122 increases the age of eligibility for sentencing to the Youthful Offender System in lieu of adult prison to people who are 19 years old.

[http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/5AC04657BCB4A1F4872575370071F63D?Open&file=1122\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/5AC04657BCB4A1F4872575370071F63D?Open&file=1122_enr.pdf)

#### **SB 09-286: Concerning Criminal Law ...**

*Sponsors:* Senators Morse (D) and Carroll M.(D), Bacon (D), Boyd (D), Foster (D), Groff (D),Heath (D), Hodge (D), Hudak (D), Isgar (D), Newell (D), Romer (D), Shaffer B.(D), Tapia (D), Tochtrop, (D),Veiga (D), Williams (D); and Representatives Levy (D) and Merrifield (D), Ferrandino (D), Kagan (D),Miklosi (D), Pommer (D), Pace (D), Benefield (D), Carroll T.(D), Court (D), Fischer (D), Green (D),Hullingerhorst (D), Judd (D), Kerr A.(D), Labuda (D), McFadyen (D), Middleton (D), Rice (D), Ryden (D),Schafer S. (D), Solano (D), Todd (D), Kefalas (D), McCann (D)

*Status:* Passed the Senate (25-10) and the House (65-0) and signed into law on 6/1/09.

*Description:* SB 286 as amended requires the Commission on Criminal & Juvenile Justice to study sentencing practices, particularly drug offenses, parole periods, and prison bed management plan.

[http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/57548269391E1F638725753C007AA C30?Open&file=286\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/57548269391E1F638725753C007AA C30?Open&file=286_enr.pdf)

#### **HB 10-1090: Concerning the Punishment for a Person Who Is Convicted of Driving a Motor Vehicle with Knowledge That His or Her Driver's License Is Under Restraint**

*Sponsors:* Representative Waller (R) and Senator Morse (D)

*Status:* Passed the House (57-6) and Senate (35-0) and signed into law on 3/29/10.

*Description:* This bill eliminates the mandatory 5-day jail sentence for a person who is convicted of driving a motor vehicle or off-highway vehicle upon any highway of the state with knowledge that his

license or privilege to drive is under restraint for any reason other than conviction of driving under the influence (DUI), driving while ability impaired (DWAI), or underage drinking and driving.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/038A6E54C14F0C7A872576A80027B264?Open&file=1090\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/038A6E54C14F0C7A872576A80027B264?Open&file=1090_enr.pdf)

#### **HB 10-1104: Veterans' Treatment Court**

*Sponsors:* Representative Looper (R) and Senator Williams (D)

*Status:* Passed the House (64-0) and the Senate (34-0) and signed into law on 4/16/10.

*Description:* The bill authorizes the state court administrator to apply for federal grant funds on behalf of the state for the establishment, maintenance or expansion of veterans' treatment courts. The bill also authorizes the chief judge in the judicial district to establish a program for the treatment of veterans and members of the military.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/12F20F4D87558DB3872576A80027AE89?Open&file=1104\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/12F20F4D87558DB3872576A80027AE89?Open&file=1104_enr.pdf)

#### **HB 10-1338: Concerning the Eligibility for Probation of a Person Who Has Two or More Prior Convictions**

*Sponsors:* Representative McCann (D) and Senator Steadman (D)

*Status:* Passed the House (54-7) and Senate (24-11) and was signed into law on 5/25/10.

*Description:* This legislation changes the two-prior felony statute that makes a defendant with two prior felonies ineligible for probation without the district attorney's consent. This bill requires district attorney consent only if the current charge or one (or more) of the prior convictions was for a specific offense including: first or second degree murder, manslaughter, first or second degree assault, first or second degree kidnapping, sexual offense, first degree arson, first or second degree burglary, robbery, aggravated robbery, or a felony offense against a child.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/AD85D0617C7735D7872576B80070EB53?Open&file=1338\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/AD85D0617C7735D7872576B80070EB53?Open&file=1338_enr.pdf)

#### **HB 10-1347: Concerning Misdemeanor Penalties for Persons Who Are Convicted of Multiple Traffic Offenses Involving Alcohol or Drugs**

*Sponsors:* Representative Levy (D) and Senator Morse (D)

*Status:* Passed the House (64-0) and Senate (33-1) and was signed into law on 5/25/10.

*Description:* This bill adjusts the penalties for a second offense of DUI, DWAI, and driving as a habitual user of a controlled substance and creates a new set of penalties for a third or subsequent offense

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/0AA564A18087D71A872576A80027B60C?Open&file=1347\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/0AA564A18087D71A872576A80027B60C?Open&file=1347_enr.pdf)

#### **HB 10-1352: Drug Sentencing Reform**

*Sponsors:* Representatives Waller (R), Pace (D), Court (D), Gardner B. (R), Gerou (R), Kagan (D), King S. (R), Levy (D), Looper (R), Massey (R), May (R), McCann (D), Miklosi (D), Nikkel (R), Roberts (R), Ryden (D), Stephens (R) and Senators Steadman (D), Mitchell (R), Carroll M. (D), Hudak (D), Morse (D), Newell (D), Penry (R), White (R)

*Status:* Passed the House (58-5) and the Senate (30-5) and signed into law on 5/25/10.

*Description:* The bill reduces penalties for the crime of drug use or possession and redirects cost savings in corrections to substance abuse and mental health treatment. The bill also creates enhanced penalties for adults convicted of selling drugs to a minor. The bill also makes two changes to the special drug offender statute (which has an increased sentence range) to exclude "simple possession" from the crime of drug importation and requires a closer nexus to prove that a weapon was used during a drug offense. The bill appropriated the anticipated first year and second year cost savings in averted incarceration costs (approximately \$7.1 million combined) to expand funding for substance abuse treatment for people in the criminal justice system.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/F0B440D0C733A91C872576B40000FF89?Open&file=1352\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/F0B440D0C733A91C872576B40000FF89?Open&file=1352_enr.pdf)

### **HB 10-1373: Sentencing Changes For Escape Crime**

*Sponsors:* Representative T. Carroll (D) and Senator Hudak (D)

*Status:* Passed the House (58-7) and Senate (19-16) and signed into law on 5/25/10.

*Description:* Under previous law, a broad range of scenarios could be considered to be the crime of escape which required the court to impose a mandatory consecutive sentence. With the passage of HB 1373 the mandatory consecutive sentence for escape applies only to people on “inmate status” which includes people in secured correctional facilities, work release, and transition clients from DOC in community corrections. Diversion clients in community corrections and parolees on intensive supervision may receive a consecutive sentence for escape, but it is not mandatory.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/216F827D28332798872576C50056A4F4?Open&file=1373\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/216F827D28332798872576C50056A4F4?Open&file=1373_enr.pdf)

### **HB 11-1032: Concerning Restorative Justice**

*Sponsors:* Representative Lee (D) and Senator Newell (D)

*Status:* Passed the House (40-25) and the Senate (34-0) and was signed into law on 6/7/11.

*Summary:* The bill adds an additional purpose of promoting acceptance of responsibility by offenders and providing restoration and healing for victims and the community while attempting to reduce recidivism by use of restorative justice practices to the Colorado Criminal Code. The bill adds restorative justice to the options a court has when it imposes an alternative sentence instead of incarceration or as a part of a probation sentence. Under current law, restorative justice sentencing provisions are permitted in juvenile cases during advisement, entry of plea, sentencing, and during probation. The bill adds criteria to help prosecutors determine whether restorative justice is a suitable sentencing option. The bill allows the Department of Corrections and the Division of Youth Corrections to establish pilot programs for facilitated victim-offender dialogues in institutions under the control of the departments, which would arrange the dialogues if requested by the victim and agreed to by the offender. The bill creates the right for a victim to be informed by the district attorney about the availability of restorative justice options.

[http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/D9ABC2E028CA4D3487257808008012EA?Open&file=1032\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/D9ABC2E028CA4D3487257808008012EA?Open&file=1032_enr.pdf)

### **HB 11-1180: Concerning Using Individualized Assessments to Aid Judges in Imposing Criminal Sentences that Reduce the Likelihood of Criminal Offenders Committing Additional Criminal Acts**

*Sponsors:* Representative Levy (D) and Senator Steadman (D)

*Status:* Passed the House (62-0) passed the Senate (35-0) and was signed into law on 4/8/11

*Description:* Current law describes four purposes of the Colorado Criminal Code. The bill adds a fifth purpose: to select for each convicted offender a sentence, sentence length, and level of supervision that addresses the offender's individual characteristics and reduces the potential that the offender will engage in criminal conduct after completing his or her sentence. The bill requires each presentence report submitted by a probation officer to a court to include: (1) results of an actuarial risk and needs assessment; (2) whether the defendant is a suitable candidate for an alternative to a prison sentence; (3) appropriate conditions of supervision if the defendant is sentenced to probation; and (4) projected costs associated with each sentencing option available to the court. The court shall consider the purposes of sentencing in granting probation or imposing any other sentence.

[http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/C04BC8A520595DA987257816005CA736?Open&file=1180\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/C04BC8A520595DA987257816005CA736?Open&file=1180_enr.pdf)

### **HB 11-1239: Concerning A Requirement to Include Additional Information in Fiscal Notes For Certain Bills Related to Criminal Offenses**

*Sponsors:* Representative Nikkel (R) and Senator Roberts (R)

*Status:* Passed the House (64-1) and the Senate (35-0) and was signed into law on 3/29/11.

*Description:* Requires that additional information be included in the fiscal note prepared on any bill that creates a new crime or makes changes to the penalty or elements of an offense including: (1) a description

of the new, amended, or additional elements of an existing crime; (2) a statement as to whether the offense proposed can already be charged under current law; (3) a comparison of the crime classification and associated penalties to similar types of offenses; and (4) a summary of the current and anticipated future prevalence of the behavior that the proposed new crime, or changes to an existing crime, intends to address.

[http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/19FDBF6E4676263187257818007B81BA?Open&file=1239\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/19FDBF6E4676263187257818007B81BA?Open&file=1239_enr.pdf)

**SB 11-96: Concerning Excluding A Class 6 Felony Drug Possession Conviction As A Qualifying Offense Under The Habitual Offender Statute**

*Sponsors:* Senators Steadman (D), Bacon (D), Carroll M. (D), Giron (D), Guzman (D), Hodge (D), Hudak (D), Jahn (D), King K.(R), King S.(R), Mitchell (R), Morse (D), Newell (D), Nicholson (D), Roberts (R) and Representatives McCann (D), DelGrosso (R), Ferrandino (D), Levy (D), Nikkel (R)

*Status:* Passed the Senate (35-0) and the House (57-6) and was signed into law on 3/25/11

*Description:* A person charged with a class 6 felony for drug possession is not eligible to be sentenced under the habitual offender statute in that case.

[http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/1EA048792D99E0D5872578170055835C?Open&file=096\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/1EA048792D99E0D5872578170055835C?Open&file=096_enr.pdf)

**SB 11-134: Concerning The Addition of Certain Drugs to the Statutory List of Schedule I Controlled Substances**

*Sponsors:* Senator Kopp (R) and Representatives Murray (D) and Vigil (D)

*Status:* Passed the Senate (34-0) and the House (61-3) and was signed into law on 6/1/11

*Description:* Distribution, dispensing, manufacturing, sale and possession with the intent to distribute any amount of salvia divinorum or synthetic cannabinoids (aka Spice/K2) is now a class 5 felony or class 4 felony if the distribution is to a minor and the defendant is at least 18 and more than 2 years older than the minor. Possession of these same substances will be a class 2 misdemeanor effective January 1, 2012. Synthetic cannabinoids shall not be considered medical marijuana under Colorado law.

[http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/6CC9DF8DB0983E358725780800801229?Open&file=134\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/6CC9DF8DB0983E358725780800801229?Open&file=134_enr.pdf)

Adult parole/re-entry/collateral consequences

**SB 09-135: Concerning Information Collection Regarding Parole Decisions**

*Sponsors:* Senator Penry (R) and Representative Miklosi (D)

*Status:* Passed the Senate (35-0) and the House (65-0) and signed into law on 6/1/09.

*Description:* SB 135 mandates that specific information on parole board decisions be collected by the parole board, transferred to the Division of Criminal Justice for analysis, and reporting annually to the General Assembly.

[http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/7BCCC9DCDE4D3EF48725753800635151?Open&file=135\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/7BCCC9DCDE4D3EF48725753800635151?Open&file=135_enr.pdf)

**HB 10-1023: Concerning Clarifying Civil Liability Regarding Negligent Hiring Practices for an Employer That Hires a Person with a Criminal Record**

*Sponsors:* Representative Waller (R), Gagliardi (D), Kagan (D), Kefalas (D), Summers (R) and Senators Hudak (D), Boyd (D), Sandoval (D), Scheffel (R), and White (R)

*Status:* HB 1023 passed unanimously in the House and the Senate and was signed into law on 3/25/10.

*Description:* This law limits the admissibility of evidence of an employee's criminal history in a civil action against an employer where: (1) the criminal history did not have a direct relationship to the underlying cause of action in the civil case, (2) the criminal record was sealed prior to the acts underlying the cause of action, (3) the criminal history consists of an arrest that did not lead to a criminal conviction, (4) the conviction received a pardon, or (5) the defendant successfully completed a deferred judgment.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/33D8A2927B432FBA872576A80026AFC2?Open&file=1023\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/33D8A2927B432FBA872576A80026AFC2?Open&file=1023_enr.pdf)

### **HB 10-1360: Reducing Revocations for Technical Violations**

*Sponsors:* Representative Pace (D) and Senator Steadman (D)

*Status:* Passed the House (54-9) and the Senate (24-11) and signed into law on 5/25/10.

*Description:* The bill requires the parole board to consider the treatment needs (substance abuse and/or mental health) prior to revoking parole for a technical violation. If the parolee is amenable to treatment and if it is consistent with public safety, the parole board may modify the conditions of parole (in lieu of revocation) and require participation in a residential or outpatient treatment program. The bill reduces the maximum time a revoked parolee can be re-incarcerated in prison for a technical parole violation to 90 days (from the current statutory cap of 180 days) if the parolee was assessed as lower than high risk and the parolee's underlying conviction was not for a crime of violence, menacing, or stalking. The bill appropriated the anticipated first year and second year cost savings in averted incarceration costs (approximately \$9 million combined) to expand funding for substance abuse treatment and wrap around services for people on parole.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/E1BCEF14BFB7AE6D872576BF0075BAAA?Open&file=1360\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/E1BCEF14BFB7AE6D872576BF0075BAAA?Open&file=1360_enr.pdf)

### **HB 10-1374: Changes to Parole**

*Sponsors:* Representative Ferrandino (D) and Senator Penry (R)

*Status:* Passed the House (63-0) and Senate (35-0) and signed into law on 5/25/10.

*Description:* HB 1374 made several reforms related to parole including: (1) clarifies eligibility criteria for the enhanced earned time that was created last year in HB 09-1351; (2) repeals some archaic language in statute that mandates the arrest of a parolee under certain circumstances; (3) substantially revises the statutory parole guidelines; and (4) requires the parole board to make an annual presentation before the House and Senate judiciary committees.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/613593E17756B084872576CD005378DE?Open&file=1374\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/613593E17756B084872576CD005378DE?Open&file=1374_enr.pdf)

### **SB 10-06: Concerning Reductions in Barriers to Obtaining Identity-Related Documents**

*Sponsors:* Senators Boyd (D), Hudak (D), Sandoval (D), White (R) and Representatives Summers (R), Gagliardi (D), Kefalas (D), and Waller (R)

*Status:* Passed the House (48-16) and Senate (22-12) and signed into law on 6/5/10.

*Description:* Among other things, SB 6 waives the payment of the fee to obtain a state identification card for those referred by a county department of social services or those referred by a county jail, the Department of Corrections, or the Division of Youth Corrections. The bill also restored the authority of a district court to allow a person with a criminal record to legally change his or her name if such name change is necessary to obtain an identification card. Prior to ordering the name change, the petitioner must meet multiple requirements and interested parties must be notified.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/14C7EBCAEAA6F98E872576A80026AFA6?Open&file=006\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/14C7EBCAEAA6F98E872576A80026AFA6?Open&file=006_enr.pdf)

### **SB 10-159: Concerning Defendant Statements at a Community Corrections Hearing**

*Sponsors:* Senator Foster (D) and Representative Miklosi (D)

*Status:* Passed the House (65-0) and Senate (33-0) and signed into law on 5/27/10.

*Description:* An inmate has the right to submit a written statement to a community corrections board considering his or her transitional referral to community corrections. This written statement must be timely submitted by the inmate to the DOC case manager so that it can be included in the initial electronic application submitted by DOC to a community corrections board or program. Community corrections boards have the discretion to decide whether to accept a written or oral statement by a third party on behalf of an inmate and these policies must be in writing and publicly accessible. Affirms that a victim

shall have the right to provide a written impact statement and a separate oral statement to a community corrections board considering an offender's transitional to community corrections.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/5D61EFDA0BE01312872576BA0062A41D?Open&file=159\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/5D61EFDA0BE01312872576BA0062A41D?Open&file=159_enr.pdf)

#### **HB 11-1064: Concerning A Parole Presumption Pilot Program for Certain Drug Offenders**

*Sponsors:* Representative Waller (R) and Senator Steadman (D)

*Status:* Passed the House (64-0) and the Senate (35-0) and was signed into law on 5/27/11

*Description:* The bill creates a pilot program establishing a presumption in favor of granting parole to an inmate who is parole-eligible and serving a sentence for a drug use or drug possession crime that was committed prior to August 11, 2011 (the enactment date of HB 10-1352). The parole board retains full discretion in determining whether to grant or deny parole. An inmate must also meet other criteria such as good institutional conduct, no prior convictions for a violent offense, and no detainers. The parole board must hold a parole hearing within 90 days of an inmate becoming eligible for this presumption.

[http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/60163A6D202F12B4872578010060475C?Open&file=1064\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/60163A6D202F12B4872578010060475C?Open&file=1064_enr.pdf)

#### **HB 11-1121: Concerning Disqualification From School Employment For Conviction of Certain Offenses**

*Sponsors:* Representatives Ramirez (R), Massey (R), McNulty (R), Szabo (R) and Senator K. King (R)

*Status:* Passed the House (54-9) and the Senate (33-0) and was signed into law on 5/27/11.

*Description:* A school district, charter, school, or institute charter school would be prohibited from employing as a *non-licensed* employee a person who has a conviction for specific offenses including: felony child abuse, crime of violence, felony involving unlawful sexual behavior and felony indecent exposure. Creates a five year waiting period from conviction in order to be eligible for employment in licensed or unlicensed position if such conviction is for a felony drug offense or a felony assault that involves domestic violence (if court-ordered DV classes completed.)

[http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/4DDFC21CE9178BCD87257808008040AC?Open&file=1121\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/4DDFC21CE9178BCD87257808008040AC?Open&file=1121_enr.pdf)

#### **HB 11-1167: Concerning The Petition Process For The Sealing of Certain Drug Offense Records**

*Sponsors:* Representatives Ferrandino (D), Levy (D) and Lee (D) and Senators Nicholson (D) and Steadman (D)

*Status:* Passed the House (64-1) and the Senate (35-0) and was signed into law on 3/29/11.

*Description:* The bill amends the petition process for sealing certain drug offense criminal conviction records by staggering the time period a defendant has to wait to petition the court to seal the record based on the severity of the offense, specifically: 3 years on a petty offense or class 2 or 3 misdemeanor; 5 years on a class 1 misdemeanor; 7 years on a class 5 or 6 felony; and 10 years on any other drug crime. The district attorney has the right to veto the request for all offenses except petty offenses for convictions entered before 7/1/2011. For convictions that occur after 7/1/2011, the district attorney has the right to object to the petition but does not have veto authority. To be eligible, a person must also not have been charged or convicted of another offense during the waiting period and have paid all the restitution, fines, or fees ordered in the case seeking sealing. (This legislation amends record sealing procedures passed in 2008 via HB 1082.)

[http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/4635214456F0B7388725780800804135?Open&file=1167\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/4635214456F0B7388725780800804135?Open&file=1167_enr.pdf)

#### **SB 11-241: Concerning Changes Related to the Operation of the Parole Board**

*Sponsors:* Senators S. King (R) and M. Carroll (D) and Representatives B. Gardner (R) and Kagan (D)

*Status:* Passed the Senate (34-0) and the House (63-2) and signed into law on 5/23/11

*Summary:* Makes changes to the composition and qualifications to the parole board and adds annual training requirements for parole board members, release hearing officers, and administrative hearing officers. Allows release hearing officers to conduct parole release hearings for inmates assessed to be low

risk on CARAS. Modifies the special needs parole program regarding eligibility and DOC referral process. The bill also creates a new presumption of parole for inmates who have been convicted of a nonviolent offense, are medium risk or below on CARAS, and who have an active ICE detainer. Allows the Parole Board, at its discretion, to conduct file reviews (instead of a hearing) when the parole application is for special needs parole or when an eligible inmate has an ICE detainer.

[http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/7DA8B8D39D0BCCD58725784E00731658?Open&file=241\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/7DA8B8D39D0BCCD58725784E00731658?Open&file=241_enr.pdf)

## Time credits

### **HB 09-1263: Concerning Time Computation While An Inmate Is Incarcerated In A County Jail**

*Sponsors:* Representative Casso (D) and Senator Carroll (D)

*Status:* Passed the House (63-1) and Senate (35-0) and signed into law 4/3/09.

*Description:* HB 1263 allows people in jail to be awarded up to 2 days of earned time a month in addition to good time and awards credit for time served in jail pending a parole revocation hearing.

[http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/91E04C0D3B619F4B87257546000B83C4?Open&file=1263\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/91E04C0D3B619F4B87257546000B83C4?Open&file=1263_enr.pdf)

### **HB 09-1351: Concerning an Increase in the Amount of Time an Inmate May Have Deducted From the Inmate's Sentence and Making an Appropriation in Connection Therewith**

*Sponsors:* Representatives Pommer (D), Ferrandino (D) and Marostica (R) and Senator Carroll (D)

*Status:* Passed the House (40-25) and the Senate (24-11) and signed into law on 6/1/09.

*Description:* HB 1351 increases the amount of earned time available to inmates from 10 days to 12 days a month if the inmate was convicted of a nonviolent class 4, 5, or 6 felony, had no prior convictions for a person offense, and had no code of penal discipline infractions. HB 1351 also raised the current statutory cap from 25% to 30% of a sentence that could cumulatively be deducted from an inmate's sentence for earned time.

[http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/0E25F6511D550D928725759A0051EBEB?Open&file=1351\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/0E25F6511D550D928725759A0051EBEB?Open&file=1351_enr.pdf)

### **SB 11-254: Concerning Statutory Changes to Improve Practices for Persons Under Community Supervision**

*Sponsors:* Senators Steadman (D) and M. Carroll (D) and Representative Pace (D)

*Status:* Passed the Senate (34-0) and the House (65-0) and was signed into law on 6/2/11

*Summary:* The bill outlines eligibility criteria for diversion clients in community corrections to file a motion for early termination of a sentence with the court. For eligible diversion clients, the probation officer is required to submit this motion with notification to the district attorney, defendant, and the victim, if any. If a diversion client is revoked from community corrections and sentenced to prison, the bill also requires the DOC to apply credit for time served for both residential and nonresidential time completed in community corrections. Requires that diversion clients who meet the criteria for time credit deductions be eligible for such deductions and removes the existing 25% cap on the amount of time credit deductions that can be awarded.

[http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/C63C85A533331523872578730065A48D?Open&file=254\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/C63C85A533331523872578730065A48D?Open&file=254_enr.pdf)

## Juvenile

### **HB 09-1044: Concerning Expungement of Records Relating to a Criminal Matter For Which a Juvenile is Sentenced as a Juvenile after Being Charged by the Direct Filing of Charges in District Court**

*Sponsors:* Representative Roberts (R) and Senator Morse (D)

*Status:* Passed the House (58-5) and Senate (34-0) and signed into law 3/18/09

*Description:* HB 1044 clarifies that a juvenile conviction can be sealed even if it was originally filed in adult court but later transferred to juvenile court.

[http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/326E2ABCA9E31E3387257537001A2D3B?Open&file=1044\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/326E2ABCA9E31E3387257537001A2D3B?Open&file=1044_enr.pdf)

**HB 09-1321: Concerning the Placement of A Juvenile Who Is Awaiting Trial in District Court**

*Sponsors:* Representative Levy (D) and Senator M. Carroll (D)

*Status:* Passed the House (50-15) and the Senate (32-3) and signed into law on 6/1/09.

*Description:* HB 1321 precludes a juvenile from being held in a jail or adult lockup unless the juvenile is charged as an adult and after the district court determines following a hearing that such placement is appropriate.

[http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/A51B843BE9288E4E8725757700021CE3?Open&file=1321\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/A51B843BE9288E4E8725757700021CE3?Open&file=1321_enr.pdf)

**HB 10-1413: Concerning Juveniles Who Are Tried as Adults, and Making an Appropriation in Connection Therewith.**

*Sponsors:* Representatives Levy (D) and May (R) and Senators Newell (D) and Lundberg (R)

*Status:* Passed the House (55-8) and Senate (27-8) and signed into law on 5/25/10.

*Description:* For purposes of direct file, HB 1413 increases the minimum age of the defendant from 14 to 16 years, except in those cases where the defendant is charged with first degree murder, second degree murder or a sex offense. At least 14 days prior to filing the charges in district court, the district attorney must file the charges in juvenile court with a notice of decision on direct file. The bill lists the criteria that the district attorney must consider in determining whether to file charges in adult court against a juvenile. The district attorney must submit a written statement listing the criteria relied upon in deciding to direct file. The bill also permits a juvenile convicted in district court of a class 2 felony (non sex offense) to be eligible for sentencing to the Youthful Offender System.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/A49AF845C0A4291A872576D2008110BE?Open&file=1413\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/A49AF845C0A4291A872576D2008110BE?Open&file=1413_enr.pdf)

**SB 10-54: Concerning the Provision of Educational Services For Juveniles Against Whom Charges Have Been Filed in District Court**

*Sponsors:* Senator Hudak (D) and Representative Levy (D)

*Status:* Passed the House (52-13) and Senate (18-15) and signed into law on 5/25/10.

*Description:* The bill requires a school district to provide educational services during the school year to a juvenile being held, pending charges as an adult, in a jail within the school district. The school district is also required to comply with the "Individuals with Disabilities Education Act" if the juvenile has a disability. There are a number of exceptions to this requirement.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/7B422423DF0BD9DC872576A80029E737?Open&file=054\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/7B422423DF0BD9DC872576A80029E737?Open&file=054_enr.pdf)

**SB 11-133: Concerning a Study of Disciplinary Actions Taken in Schools**

*Sponsors:* Senators Hudak (D), Newell (D), Foster (D), Giron (D), Steadman (D), Bacon (D), Jahn (D), King K. (R) and Representatives Nikkel (R), Ferrandino (D), Gardner B.(R), Kagan (D), Levy (D), Waller (R), Solano (D)

*Status:* Passed the Senate (28-7) and the House (63-0) and was signed into law on 5/23/11

*Description:* The bill creates an interim legislative task force to study school disciplinary practices that result in the issuance of criminal tickets and arrests in public schools for school-based behaviors.

[http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/4573402A707373F18725781800719E8A?Open&file=133\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/4573402A707373F18725781800719E8A?Open&file=133_enr.pdf)

Other

**HB 09-1262: Concerning the Issuance of a Summons Instead of an Arrest Warrant in Certain Circumstances**

*Sponsors:* Representative Casso (D) and Senator Morse (D)

*Status:* Passed the House (61-3) and the Senate (35-0) and signed into law 4/3/09

*Description:* HB 1262 requires that law enforcement issue a summons in lieu of an arrest for certain low-level offenses unless there is a specific finding by the court that there is a flight risk or risk to public safety.

[http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/00DDD71DEF40342787257546000B83A5?Open&file=1262\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/00DDD71DEF40342787257546000B83A5?Open&file=1262_enr.pdf)

**HB 09-1264: Concerning the Costs Associated With College-Level Academic Programs for State Inmates**

*Sponsors:* Representative Benefield (D) and Senator Hudak (D)

*Status:* Passed the House (65-0) and the Senate (31-1) and signed into law 4/16/09

*Description:* HB 1264 removes the statutory barrier to allow people in prison to receive grants or other funding to enroll in higher education classes.

[http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/884C0DCA60E427B487257546000B8384?Open&file=1264\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/884C0DCA60E427B487257546000B8384?Open&file=1264_enr.pdf)

**HB 09-1266: Concerning the Repeal of the Loss of Driving Privileges As A Penalty For Certain Crimes**

*Sponsors:* Representative McCann (D) and Senator Carroll (D)

*Status:* Passed the House (51-9) and the Senate (33-0) and signed into law on 6/1/09.

*Description:* HB 1266 limits the loss of driving privileges to only those crimes that are driving related.

[http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/606C6622ABEED2E58725753C007AAC0F?Open&file=1266\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/606C6622ABEED2E58725753C007AAC0F?Open&file=1266_enr.pdf)

**HB 10-1112: Concerning the “Correctional Education Program Act of 1990”**

*Sponsors:* Representative Miklosi (D) and Senator Newell (D)

*Status:* Passed the House (50-13) and Senate (31-4) and signed into law on 3/31/10.

*Description:* This law sets performance objectives for vocational programs in the Department of Corrections to require that: vocational programming is more market-relevant; participation in programs is considered prior to an inmate’s transfer to another facility; and information about vocational programs, enrollment, and completion rates shall be included in the DOC’s annual statistical report.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/175CD03D31D90049872576AB0059E514?Open&file=1112\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/175CD03D31D90049872576AB0059E514?Open&file=1112_enr.pdf)

**HB 10-1201: Concerning Duties Related to Peace Officer Contacts**

*Sponsors:* Representative Middleton (D), T. Carroll (D), Ferrandino (D), McFadyen (D), Miklosi (D), Pace (D), Vigil (D), and Weissman (D) and Senator Steadman (D)

*Status:* Passed the House (37-28) and Senate (35-0) and signed into law on 4/29/10.

*Description:* This bill requires that prior to conducting a consensual search of a person, personal effects, or vehicle a peace officer must get either oral or written consent for the search after advising the person that they may refuse. This does not apply to a valid search incident to a lawful arrest or to a search for which there is a legal basis which includes, but is not limited to, searches in correctional facilities, jails, community corrections facilities, mental health facilities or searches of a person on probation or parole by a probation or parole officer when such searches are a condition of supervision.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/34BDAFC4BDBE212B872576A8002BC0D3?Open&file=1201\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/34BDAFC4BDBE212B872576A8002BC0D3?Open&file=1201_enr.pdf)

**SB 10-189: Concerning Authorization for Government Agencies to Approve Clean Syringe Exchange Programs to Reduce the Spread of Blood-Borne Disease**

*Sponsors:* Senator Steadman (D) and Representative Weissmann (D)

*Status:* Passed the House (57-6) and Senate (24-10) and was signed into law on 5/26/10.

*Description:* The bill gives authority to a county board of health or district board of health to approve a clean syringe program proposed by county or district public health agency provided that certain procedures are followed and community stakeholders are consulted. One or more counties represented on a district board of health may at any time opt out of a proposed or approved program. An employee or volunteer of such program will be exempt from drug paraphernalia laws.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/2BEFDEF41963C129872576BD007FAF1?Open&file=189\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/2BEFDEF41963C129872576BD007FAF1?Open&file=189_enr.pdf)

### **SB 10-193: Concerning the Safe Treatment of Pregnant Persons in Custody**

*Sponsors:* Senator Hudak (D) and Representative Levy (D)

*Status:* Passed the House (62-1) and Senate (34-0) and signed into law on 5/27/10.

*Description:* The law limits the use of restraints on pregnant women in custody or confined in prisons, city/county jails, juvenile detention, or department of human services facilities. Corrections staff will not be permitted to use restraints of any kind on a pregnant woman during labor and delivery unless exceptional circumstances exist. Correctional staff is required to use the least restrictive measures of restraint during postpartum recovery and transport for medical care.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/F9E9B6A44AD243D5872576E700501A9D?Open&file=193\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/F9E9B6A44AD243D5872576E700501A9D?Open&file=193_enr.pdf)

### **SB 11-176: Concerning Appropriate Use of Restrictive Confinement**

*Sponsors:* Senator M. Carroll (D) and Representative Levy (D)

*Status:* Passed the Senate (34-0) and the House (51-12) and was signed into law on 6/2/11

*Summary:* As amended, the bill allows inmates in administrative-segregation to be eligible for earned time, increases funding for mental health services and programs that are alternatives to ad-seg and narrows the definition of security threat group to require active participation—not just association. The DOC is undertaking a review of its entire classification policies, including ad-seg, and is required to present a report to the House and Senate judiciary committees in January 2012.

[http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/A88F4FFC795C5C79872578080080E624?Open&file=176\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/A88F4FFC795C5C79872578080080E624?Open&file=176_enr.pdf)

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In 2007, HB 07-1358 was signed into law which created the Colorado Commission on Criminal & Juvenile Justice. You can review the enacting legislation at

[http://www.leg.state.co.us/CLICS/CLICS2007A/csl.nsf/fsbillcont3/A675D55CE6BA5AD08725727300837E4A?Open&file=1358\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2007A/csl.nsf/fsbillcont3/A675D55CE6BA5AD08725727300837E4A?Open&file=1358_enr.pdf)

Colorado Commission on Criminal & Juvenile Justice annual reports:

[http://cdpsweb.state.co.us/cccj/Commission\\_Reports.html](http://cdpsweb.state.co.us/cccj/Commission_Reports.html)

Colorado Commission on Criminal & Juvenile Justice research documents:

[http://cdpsweb.state.co.us/cccj/research\\_documents.html](http://cdpsweb.state.co.us/cccj/research_documents.html)

*What Works: Effective Recidivism Reduction and Risk-Focused Prevention Programs* (Feb. 2008), written by Roger Przyblyski on behalf of the Colorado Division of Criminal Justice

[http://cdpsweb.state.co.us/cccj/PDF/WW08\\_022808.pdf](http://cdpsweb.state.co.us/cccj/PDF/WW08_022808.pdf)

*Correctional and Sentencing Reform for Drug Offenders: Research Findings on Selected Key Issues* (Sept. 2009) written by Roger Przyblyski on behalf of the Colorado Criminal Justice Reform Coalition

[http://cdpsweb.state.co.us/cccj/PDF/Research%20Documents/Przyblyski-CorrectionalandDrugSentencingReform\\_09-09-09.pdf](http://cdpsweb.state.co.us/cccj/PDF/Research%20Documents/Przyblyski-CorrectionalandDrugSentencingReform_09-09-09.pdf)